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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/544,808

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Muhammed Ibrahim Sezan

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EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/544,808

Applicant(s)

SEZAN ET AL.

Examiner

Christopher M. Lambrecht

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/15/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 95 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 95 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1–5 and 95 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,696,965 to Dedrick in view of U.S. Patent No. 6,253,203 to O’Flaherty et al. (O’Flaherty).

Regarding claim 1, Dedrick discloses a method of using a system [12] with at least one of audio, image, and a video comprising a plurality of frames (e.g., a television set; col. 2, ll. 48–51) comprising the steps of: (a) providing a usage preferences description, describing preferences of a user with respect to the use of said at least one audio, image, and video (col. 5, ll. 14–29, 41–50), where said description includes multiple preferences (e.g., color, consumption format; col. 5, ll. 14–29); and (b) providing a protection attribute with respect to a selected set of said preferences indicating whether the preferences in said selected set are considered public or private (allows selected criteria in a user profile to be omitted from a compilation process, thus preventing the selected criteria from being divulged to, e.g., advertisers; see col. 7, ll. 3–35).

Dedrick fails to disclose said protection attribute comprises a binary number having a number of bits equal to the number of said preferences in said selected set and where each bit of said binary number indicates whether a particular preference in said selected set is to be public or private. However, in an analogous art, O'Flaherty discloses system [100] comprising a database [106] storing personal information related to a user of a client device [124] (col. 3, l. 63–col. 4, l. 53, fig. 1). The database includes a protection attribute (“opt-out” flag) that enables the user to designate a selected set of information contained in the profile as public or private (col. 7, ll. 1–27). In one embodiment, the protection attribute comprises a binary number having a number of bits equal to the number of said preferences in said selected set (col. 9, l. 66–col. 10, l. 16) and where each bit (i.e., opt-out flag) of said binary number indicates whether a particular preference in said selected set is to be public or private (col. 8, ll. 2–4). This embodiment enables the user to maintain privacy with respect to selected personal information, while divulging other personal information for direct marketing purposes (col. 10, ll. 13–16).

Therefore, it would it have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dedrick to include a protection attribute comprising a binary number having a number of bits equal to the number of said preferences in said selected set and where each bit of said binary number indicates whether a particular preference in said selected set is to be public or private, as taught by O'Flaherty, for the benefit of providing the user with more control over the disclosure of his or her personal information to advertisers.

As to claim 2, Dedrick in view of O'Flaherty teaches the method of claim 1 wherein said at least one of said audio, image, and video is video (Dedrick, col. 4, ll. 35–45).

As to claim 3, Dedrick in view of O'Flaherty teaches the method of claim 2 further comprising the step of limiting access to preferences associated with said protection attribute based upon said protection attribute (O'Flaherty, col. 8, ll. 2–12).

As to claim 4, Dedrick in view of O'Flaherty teaches the method of claim 3 wherein said access is limited to a remotely located service provider of said video (Dedrick, col. 5, ll. 51–55).

As to claim 5, Dedrick in view of O'Flaherty teaches the method of claim 1 wherein said protection attribute is a binary value (O'Flaherty, col. 7, ll. 15–18).

As to claim 95, Dedrick in view of O'Flaherty teaches the method of claim 1 wherein said selected list includes all of said preferences (O'Flaherty, col. 10, ll. 7–16).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1–5 and 95 have been considered but are moot in view of the new ground(s) of rejection. To the extent that Applicant's arguments against the Dedrick reference individually (see Applicant's remarks, pages 4–6), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on Mon-Fri, 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M. Lambrecht  
Examiner  
Art Unit 2623

cml



**HAI TRAN**  
**PRIMARY EXAMINER**